

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

T.T. INTERNATIONAL CO., LTD.,

Plaintiff,

v.

Case No. 8:22-cv-1876-WFJ-JSS

BMP INTERNATIONAL, INC.;
BMP USA, INC.; IGAS USA, INC.;
and IGAS HOLDINGS, INC.,

Defendants.

ORDER

Before the Court is BMP International, Inc., BMP USA, Inc., iGas USA, Inc., and iGas Holdings, Inc.’s (collectively, “Defendants”) Motion to Stay Pending Appeal (Dkt. 60). T.T. International Co., Ltd. (“Plaintiff”) has responded in opposition (Dkt. 62) and Defendants have replied (Dkt. 64). Upon careful consideration, the Court grants Defendants’ Motion.

DISCUSSION

On April 4, 2023, Defendants filed a motion seeking to compel arbitration, which the Court later denied on the basis of waiver. Dkts. 30 & 46. Defendants filed an interlocutory appeal challenging the Court’s arbitrability ruling shortly thereafter. Dkt. 56. Now, Defendants move to stay proceedings pending their appeal. Dkt. 60.

Defendants argue that *Coinbase, Inc. v. Bielski*, No. 22-105, 2023 WL 4138983 (U.S. June 23, 2023), leaves the Court without discretion to deny a requested stay. *Id.* at 4. Plaintiff argues that the Court can, and should, deny Defendants’ requested stay based on frivolity considerations. Dkt. 62 at 3.

The Court is constrained by the *Coinbase* Court’s reiteration of the rule that “[a]n appeal, including an interlocutory appeal, ‘divests the district court of its control over those aspects of the case involved in the appeal.’” 2023 WL 4138983 at *3. And the Court in *Coinbase* discussed Plaintiff’s contention about frivolous appeals and discounted it, at least vis-a-vis trial court stays. *Id.* at *5.

Plaintiff is concerned that this appeal is taken to delay collection of the large underlying judgment, by enabling fraudulent conveyances, in effect permitting a “bust out” of the judgment debtor’s assets. This is a real concern; especially when one views the scant merits of this appeal. To this concern the *Coinbase* Court stated, “the courts of appeals possess robust tools to prevent unwarranted delay and deter frivolous interlocutory appeals.” *Id.* Employment of those robust tools may be indicated here.

The stay motion, Dkt. 60, is **GRANTED**.

DONE AND ORDERED at Tampa, Florida, on July 13, 2023.

/s/ William F. Jung
WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:

Counsel of Record